

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

[X] I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 3/3/03

Signature of Person Certifying:_ Printed Name: Carolyn Tobias

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Group Art Unit: 2882
Hassan Mostafavi) Examiner: Church, Craig E.
Serial No.: 09/893,122))
Filed: June 26, 2001))
For: METHOD AND SYSTEM FOR PREDICTIVE PHYSIOLOGICAL GATING	,)))

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO/SB/08A. Copies of the items listed are enclosed herewith.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicants is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicants as such.

JAN 22 2004 ECHNOLOGY CENTER 2800

Information Disclosure Statement Filing Provision:

This IDS	is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is
(1) within three m	nonths of the filing date of the application, which is not a continued prosecution
application filed u	under § 1.53(d) or (2) within three months of entry of the national stage as set forth in
37 CFR § 1.491;	or (3) before the mailing of a first Office action on the merits; or (4) before the
mailing of a first	Office action after filing a request for continued examination under § 1.114. Thus, no
fee is required.	
re ar	owever, if the undersigned is in error in this regard, Applicant respectfully quests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if oplicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account ferenced below.
re ar	owever, if the undersigned is in error in this regard, Applicant respectfully quests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if oplicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee required.
	is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office rits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under
ПТ	he fee due under 37 CFR § 1.17(p) is submitted herewith.
th A	a statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due ander 37 CFR § 1.17(p) to the deposit account below.
§ 1.113 or a Notice	is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR ce of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted
	is being submitted under 37 CFR § 1.97(i), that is after a Final Action under 37 CFR ce of Allowance under 37 CFR § 1.311, but before payment of the issue fee.

	STATEMENT UNDER 37 CFR § 1.97(e):
\boxtimes	Each item contained in this IDS was first cited in a communication from a foreign patent office
in a co	unterpart foreign application not more than three months prior to the filing of this IDS.
	No item contained in this IDS was cited in a communication from a foreign patent office in a
counte	rpart foreign application, and, to the knowledge of the person signing this statement after
makin	g reasonable inquiry, no item of information contained in this IDS was known to any individual
design	ated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.
	PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:
	A check in the amount of is enclosed for the above fee(s).
\boxtimes	The Commissioner is authorized to credit any overpayment and to charge any underpayment to
Bingh	am McCutchen's Deposit Account No. 50-2518, referencing billing No. 264/027; 18721-7031,
for any	fees required by the filing of these papers.
	Respectfully submitted,
Dated	3/3/03 By: Mentell Cler

Gerald Chan Reg. No. 51,541

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 Telephone: (650) 849-4904

Telefax: (650) 849-4800

Please type a plus sign (+) inside this box

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

MARK G	Complete if Known	
Application Number	09/893,122	
Filing Date	June 26, 2001	
First Named Inventor	Hassan Mostafavi	
Group Art Unit	2882	
Examiner Name	Church, Craig E.	
Attorney Docket Number	218721-7031 (264/027)	

				U.S. PATEN	T DOCUM	ENTS			
Examiner Cite			tent Documen Kind Code	Name of Patentee of	r Applicant ment	Date of Publication of Cited Document MM-DD-YYYY	Pages, Column Passa	ges or Releva	re Relevani ant
	Number (if known)					FIG	Figures Appear		
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Examiner Initials*		Office ³	Number ⁴	Kind Code ⁵ (<i>if known</i>)	or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	T ₆
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Examiner Signature	Date Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark hee if English language Translation is attached.

JAN 1 6 2004 THE UNITED STATES PAT	ENT AND TRADEMARK OFFICE
THE UNITED STATES PAT In re the Application of:	RECEIVED Of Group Art Unit: 2492 JAN 22 2004
Hassan Mostafavi) Examiner: Unkadywology CEHTER 2800
Serial No.: 09/893,122	• 6nd.
Filed: 6/26/01)
For: METHOD AND SYSTEM FOR PREDICTIVE PHYSIOLOGICAL GATING)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Washington, D.C. 20231.

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

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within three months of the filing date of the application, which is not a continued prosecution application
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1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first
Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

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date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

	Cindy McMorrow
	Name of Person Mailing Paper
	(Makes The) (ah hord
January 14, 2002	Celos files
Date of Deposit	Signature of Person Mailing Paper

		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.				
	•	However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.				
on the § 1.31	merits, l	OS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR				
		The fee due under 37 CFR § 1.17(p) is submitted herewith.				
		A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.				
	This II	OS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR				
•	ent unde	otice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A er 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted				
		STATEMENT UNDER 37 CFR § 1.97(e):				
	Each it	em contained in this IDS was first cited in any communication from a foreign patent office				
in a co	unterpar	t foreign application not more than three months prior to the filing of this IDS.				
	No item contained in this IDS was cited in a communication from a foreign patent office in a					
counte	rpart for	reign application, and, to the knowledge of the person signing this statement after making				
reasonable inquiry, no item of information contained in this IDS was known to any individual designated						
in 37 (FR 8 1	56(c) more than three months prior to the filing of this IDS				

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	A check in the amount of is enclosed for the above fee(s).							
	Please charge to Deposit Account No. 12-2475 for the above fee(s).							
The Co	ommissioner is authorized to charge any fees required by the filing of these papers, and to credit							
any ov	erpayment to Lyon & Lyon's Deposit Account No. 12-2475.							
Dated:	Respectfully submitted, LYON & LYON LLP By: Peter C. Mei Reg. No. 39,768							

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LYON & LYON LLP
633 W. Fifth Street, Suite 4700
Los Angeles, CA 90071
(408) 993-1555

FORM PT	O-1449			ATTY, DOC'	- NO	SERIAL NO.		
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U.S. PATENT DOCUMENTS								
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	AK							
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)								
	AL	Jolesz, Ferenc M.D., et al.; "Image-Guided Procedures And The Operating Room Of The Future"; Radiology; SPL Technical Report #48; May 1997; 204:601-612.						
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communication to applicant

Information Disclosure Statement – Section 9 PTO-1449

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant:

Hassan Mostafavi

Serial No .:

09/893,122

For:

METHOD AND SYSTEM FOR PREDICTIVE PHYSIOLOGICAL

GATING

Filed:

6/26/01

SUPPLEMENTAL IDS AND PTO 1449

Attorney(s):

Peter C. Mei

Docket No.:

264/027 - Varian Medical Systems, Inc.

Date of Deposit:

January 14, 2002

Enclosure(s):

(3pgs) Supplemental IDS; (1pg) PTO 1449 with reference and return

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Applicant:

Hassan Mostafavi

Serial No.:

09/893,122

For:

METHOD AND SYSTEM FOR PREDICTIVE PHYSIOLOGICAL

GATING

Filed:

6/26/01

SUPPLEMENTAL IDS AND PTO 1449

Attorney(s):

Peter C. Mei

Docket No.:

264/027 - Varian Medical Systems, Inc.

Date of Deposit:

January 14, 2002

Enclosure(s):

(3pgs) Supplemental IDS; (1pg) PTO 1449 with reference

receipt postcard.

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Applicant(s):
Title:
Serial No.:
Commissioner
Washington, D
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Date Mailed

March 3, 2003

Due Date:

Atty. Docket

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264/027; 18721-7031

(PCM:ct)

Applicant(s):

Hassan Mostafavi

Title:

METHOD AND SYSTEM FOR PREDICTIVE PHYSIOLOGICAL

GATING

Serial No.:

09/893,122

Filing Date:

June 26, 2001

Commissioner for Patents Washington, DC 20231

SIR: Please place the U.S. Patent and Trademark Office date stamp hereon to acknowledge receipt of the following:

1. Supplemental Information Disclosure Statement with Semificate of Mailing (3 pages)

- 2. Form PTO/SB/08A (1 page)
- 3. Cited References (2)
- 4. Return Receipt Postcard

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